

## Section 715 - Mandatory Separation and Storage of Recyclables

**715.01 Purpose.** The purpose of this Section is to require mandatory separation of recyclables to aid and promote collection and disposal by means other than deposit in a sanitary landfill or by burning.

**715.02 Definitions.** Unless the context clearly indicates otherwise, the following terms shall have the meanings given in this Subsection.

**Dwellings.** Those dwellings described at (i), (ii) and (iii) of the definition of Premises in this Subsection.

**Premises.** (i) All single family dwellings now or hereafter located in the Single Dwelling Unit District (R-1), (ii) all double dwellings now or hereafter located in the Double Dwelling Unit District (R-2), (iii) all dwelling units in a building in a Planned Residence District (PRD or PSR) or Mixed Development District except, however, those in a building in the PRD-5 subdistrict, (iv) all buildings in a PRD-5 subdistrict, (v) all buildings or parts of buildings now or hereafter owned by or leased to the City and located in the City, except, however, park shelters or park toilet buildings, and (vi) all buildings or parts of buildings now or hereafter owned by or leased to the School District and located within the City. The location of a dwelling or a building in any zoning district and definitions of terms used in this Subdivision shall be as set forth in Section 850 of this Code.

**Recyclables.** Newsprint, corrugated paper, glass containers, aluminum foil and cans, tin cans, steel cans, bi-metal cans and plastic bottles reasonably free of food, dirt and other contaminants. Also included as a recyclable is any other material that the City may hereafter be required to collect as a recyclable by the County. For purposes of this Section, recyclables shall not be refuse, as defined in Section 705 of this Code.

**Resident.** (i) Every person who is an owner or occupant of a dwelling, (ii) the City as to the buildings or parts of the building described at (v) of the definition of Premises in this Subsection, and (iii) the School District as to buildings or parts described at (vi) of the definition of Premises in this Subsection.

**School District.** Independent School District No. 273.

### 715.03 Separation and Storage of Recyclables.

Subd. 1 **Responsibility of Separating Recyclables.** Every resident of every premises except the premises described at (iv) of the definition of Premises in Subsection 715.02 shall separate the recyclables from their respective premises from all other refuse, as defined in Section 705 of this Code. As to the premises described at (iv) of the definition of Premises in Subsection 715.02, it shall be the obligation and responsibility of the

manager or owner of such premises, and not of the individual occupants, to separate recyclables as required by this Subdivision.

**Subd. 2 Containers for Recyclables.** Containers for storage of recyclables shall be kept in the same location as is designated by Section 705 of this Code for refuse containers. Residents of those dwellings described at (i) and (ii) of the definition of Premises in Subsection 715.02, residents of townhouses as defined in Section 850 of this Code, and residents of dwelling units in buildings with eight units or less (in this Code called "multi-unit buildings"), not earlier than 12 hours prior to the day scheduled for collection of their recyclables, shall place the container holding the recyclables next to the street or at the curb adjoining the dwelling property or multi-unit property or at the alley if the dwelling or multi-unit building has refuse collection service at the alley. Within 12 hours after the scheduled collection, the containers and any material not collected shall be returned by the resident of such dwelling to the same location designated for storage by this Subd. 2.

**Subd. 3 Storage of Recyclables.** Recyclables shall be stored in containers designed for the storage of recyclables. The contents of such containers shall be regularly collected and disposed of in accordance with Subsections 715.04 and 715.05. The containers and surrounding area shall be maintained in such condition and manner so as to prevent rodent and insect harborage. Any accumulation of recyclables not maintained as provided in this Subsection is declared to be a nuisance and shall be abated and costs charged to the property in which the nuisance is located in accordance with Subsection 705.07 of this Code.

#### **715.04 Collection of Recyclables.**

**Subd. 1 Selecting and Paying Hauler.** Collection of recyclables from premises shall be by a hauler selected and paid by a resident of the premises or by a manager of the premises or by an association governing the premises, but which hauler is then duly licensed by the City under Section 1300 and other applicable provisions of this Code. The collection shall be done in compliance with all applicable provisions of this Code.

**Subd. 2 City Contract with Hauler.** The foregoing provisions of Subd. 1 of this Subsection notwithstanding, the City, at any time and from time to time, may contract with a hauler for collection of recyclables from some or all premises. If the City so contracts, the recyclables shall be collected from the premises covered by such contract by the hauler under contract with the City and on terms and conditions set out in such contract.

**Subd. 3 Disposal by Resident.** Neither the provisions of Subd. 1 or Subd. 2 of this Subsection, or any other provisions of this Section, shall prevent any resident from disposing of such resident's recyclables without the use of a paid hauler or the City collector, but such resident shall comply with the provisions of Subsection 715.05.

**Subd. 4 Reporting Recyclables.** The manager or governing association of premises as defined at (iii) and (iv) of the definition of Premises in Subsection 715.02, shall report

to the Manager, upon written request from time to time made by the Manager or Manager's designee, and on forms prescribed by the Manager or Manager's designee, such information relative to the program for separation, storage and collection of recyclables then in effect for such premises as the Manager or Manager's designee, shall request.

**715.05 Disposal of Recyclables.** Recyclables collected from premises shall not, in any event, (i) be deposited in any landfill, (ii) be burned in any incinerator, or (iii) be deposited or distributed in any way or manner which is contrary to then applicable provisions of this Code or State law. Provided, however, that the restrictions at (i) and (ii) above shall not apply to recyclables which are deposited in a landfill or burned pursuant to specific prior written approval granted by the County and consented to, in writing, by the City. Residents shall take such action as is reasonable under the circumstances to determine that recyclables are not disposed of contrary to the provisions of this Subsection.

**715.06 Reports to City.** As and when requested by the City, the City and School District shall require the haulers of their respective recyclables, who are not under contract with the City, to keep complete and accurate records of the total tons of recyclables collected each month from their respective premises, together with the actual weight or percentage of the total that each recyclable material represents, and the markets used for the sale of and primary purchasers of such recyclables. The records shall be sent to the City upon request. The City and School District shall also require their haulers, who are not under contract with the City, to prepare and submit to the City, at the request of the City, any other reports, data and information relative to the separation, collection and disposal of recyclables as may be required by provisions of this Code or State law as applicable, or which may be requested of the City by the County. All such records, reports, data and information, once received by the City, shall become the property of the City to be used as it shall determine without obligation to any person.

**715.07 Controlling Effect.** The provisions of this Section shall control over any contrary or inconsistent provisions of Section 705 of this Code.

*History: Ord 715 adopted 6-14-89; amended by Ord 715-A1 12-19-9; amended Ord 2000-9; 8-15-00, Ord. No. 2006-08, 11-06-06*

*Cross Reference: Sections 705, 850, 1300*